SB Civil Writ Petition No.9355/2006

Ramswaroop Vs Charanjeet Singh & ors

18.12.2006

Hon'ble Mr Justice Ashok Parihar

Mr MM Ranjan – for petitioner

Mr JP Goyal – for respondents

BY THE COURT:

The application under section 9 of the Rent Control Act, 2001 was allowed by the Rent Tribunal vide order dated 8.12.2004. The order of eviction had been passed on the ground of bonafide necessity, material alterations and change of user. The above order dated 8.12.2004 came to be affirmed by the Rent Control Appellate Tribunal vide oder dated 21.9.2006.

After hearing learned counsel for the parties, I have carefully gone through the material on record.

Looking to the nature of the Scheme under the new Act, since, after due consideration, proper discretion has been used by both the courts below, in the facts and circumstances, no further interference is called for by this court under writ jurisdiction. The writ petition is dismissed accordingly as having no merit.

However, in the interest of justice, the petitioner is now allowed to vacate and hand over peaceful

possession of the premises in question to the land lord within three months from today. The due amount of rent fixed by the Tribunal may also be paid to the land lord within aforesaid period. The petitioner shall submit a written undertaking in this regard before the Rent Control Tribunal, Ajmer within fifteen days from today, failing which, the respondent-land lord may get the orders of the Tribunal executed in accordance with law.

(Ashok Parihar) J.

bnsharma